

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dae-Seob KWEON

Application No.: 10/716,563

Confirmation No.: 7056

Filed : November 20, 2003

Group Art Unit: 2852

Customer No. : 38209

Examiner: Susan Shuk Yin Lee

For: IMAGE FORMING APPARATUS HAVING A CLEANING UNIT AND A METHOD
THEREOF

Mail Stop Issue Fee
Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 1.104**

Sir:

The Examiner provided a Statement of Reason for Allowance in the Notice of Allowance and Fee Due, mailed January 22, 2008, in which the Examiner indicated that "[t]he primary reason for allowance of claims 1-4, 6, and 26-30 is the inclusion of a cleaning roller in press contact with the toner supplying unit with a predetermined pressure to form a second nip with the toner supplying unit." The Examiner also indicated that "[t]he primary reason for allowance of claims 7-14, 16, 18-20, and 22 is the inclusion of a cleaning unit comprising a cylindrical member having an outer surface disposed to contact the fur of the toner supplying unit and be spaced apart from the surface of the cylinder by a predetermined distance to remove the toner from the toner supplying unit by shaking the fur of the cylinder."

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is respectfully submitted that the Examiner's Statement is not an accurate quote


with respect to each of the allowed claims, and instead, raises "possible misinterpretations, and possible estoppel effects" (MPEP 1302.04) and accordingly, should be disregarded.

The Examiner's statement appears to unnecessarily limit claims 1-4, 6, and 26-30 to, for example, a cleaning roller in a specific configuration of being in pressing contact with a toner supplying unit with a predetermined pressure. The Examiner's statement further appears to unnecessarily limit claims 7-14, 16, 18-20, and 22 to, for example, a cylindrical member having a specific orientation with respect to a cylinder. However, it is respectfully submitted that since the claims are found to be patentable for all of the limitations as recited, the claims should not be labeled as patentable merely in view of specific limitations. While being useful in understanding the invention, the Examiner's comments could lead to an unwarranted and unnecessary narrowing interpretation of the claims. Therefore, it is further submitted that the claims should not be interpreted based on the Examiner's statement.

It is further submitted that the claims are not constrained by such device limitations as specified by the Examiner, and that the claims speaks for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

STANZIONE & KIM, LLP

Dated: April 2, 2008
919 18th St., NW, Suite 440
Washington, D.C. 20006
Telephone: (202) 775-1900
Facsimile: (202) 775-1901

By: 
Patrick J. Stanzone
Registration No. 40,434